

consideration the bill joint resolution (H.J. Res. 2) proposing an amendment to the Constitution of the United States with respect to the number of terms of office of Members of the Senate and the House of Representatives:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to speak in opposition to the rule on House Joint Resolution 2, reported out of the Rules Committee on yesterday. There were a total of 19 amendments that were considered by the Rules Committee: 14 by Republicans and 5 by Democrats. This unequivocally points out the division in the House on this issue; not just between Republicans and Democrats, but between Republicans who support term limits and a good number of those who do not.

I must point out that even the chairman of the Judiciary Committee, Congressman HYDE, does not support this amendment.

Mr. Speaker, I am not in favor of Members of Congress deciding who the American people should and should not vote for.

However, it is my position that if we are to have a constitutional amendment on term limits, it should be the people who make that individual choice. It will be the people who are most affected by this amendment to the Constitution, so why not let the people decide if they want term limits.

Mr. Speaker, the two amendments that I proposed would have done just that. The first would have given the States the power to prescribe the maximum number of terms for a particular State. This would have allowed a State to tailor its limits to the needs and the will of the people of that State.

It was a compromise amendment which allowed the States that wanted term limits to have them and the States that did not want term limits to reject them.

It is evident that we can not adopt different versions of an amendment to the Constitution. But we can allow the States to adopt their own versions of term limits.

The Supreme Court, in *U.S. Term Limits versus Thorton*, has made it clear that, without an amendment to the Constitution, the States do not have the authority to impose term limits on Members of Congress.

Consequently, now that we are in the amendment phase of creating a solution for the issue of term limits, the argument can be made that this is a power that should be given to the States. The legislatures of each State have an inherent local interest in developing a term limits solution for their particular State.

The States are now prepared to make a decision of term limits. Twenty three States have passed proposals affecting Members' terms of office. These States legislatures are now poised to take action. Why not let them take action on an amendment that would give them the power to decide the maximum number of terms for their Members.

My second amendment went one step further than State action empowerment. It gave the power of ratifying a term-limits amendment to the people of the individual States.

It allowed the individual voters of each State to come together using the convention process to vote on whether they wanted to ratify this constitutional amendment.

In keeping with the spirit of the Founding Fathers of our great country, this amendment lets the American people decide who will represent them in the Congress of the United States and for exactly how long.

Article V. of the U.S. constitution prescribes the ratification methods that may be used in ratifying an amendment to the Constitution. It may either be by the legislatures of three-fourths of the States or by conventions in three-fourths thereof.

The Founding Fathers granted Congress the power to decide which mode of ratification of an amendment to the Constitution may be used.

Mr. Speaker, there is a time such as this, in deciding an issue which will fundamentally change the nature of the Congress, that it would behoove us to consult with and defer to the American people.

The convention process allows us this opportunity. It allows for the American people to speak to an issue and to participate in the shaping and defining of that issue.

There is no doubt that in this democracy, the ratification of an amendment to the U.S. Constitution, utilizing the convention method, is by far the most democratic. The people of the United States would have the opportunity to participate in a process that is fundamental to the American way of openness and inclusion. The voters of America would have the opportunity to unquestionably validate this amendment to the Constitution of the United States.

In doing so, this will not be the first time that an amendment to the Constitution was ratified by conventions in three-fourths of the several States. The 21st amendment to the U.S. Constitution, in section 3, provides for ratification by conventions in the several States. Section 3 of the 21st amendment states:

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by conventions in the several States, as provided in the Constitution, within seven years from the date of submission hereof to the States by the Congress.

This 21st amendment, which repealed the 18 amendment prohibition of intoxicating liquors was ratified on December 5, 1933. Delegates in 25 States were elected in statewide at-large elections, delegates in 14 States were elected by congressional districts and 4 States used a combination of the two.

Laws providing for ratifying conventions were passed in 43 States and 16 of these States passed permanent statutes for future referrals of amendments. Clearly, this was a democratic effort by the people of the United States.

I must note that the very Constitution by which we have authority to sit and do the business of the American people was ratified by the convention method. Article VII, of the U.S. Constitution states:

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

If the convention method of ratification was good enough for the ratification of our great Constitution, then the convention method of ratification must be good enough for amending this same Constitution.

If the supporters of term limits were genuine about the concerns of the American people, they would have voted for these two amendments.

I submit to you, Mr. Speaker, that they are not genuine. The rejection of these two amendments, each of which would have given the decisionmaking authority to the States and

to the voters, reveals that the people who are trying to push term limits down the throats of the American people only are genuine about taking power away from the voters of America.

Consequently, I urge my colleagues not to vote in favor of this rule.

FLAG PROTECTION AMENDMENT REINTRODUCED TODAY

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, February 13, 1997

Mr. SOLOMON. Mr. Speaker, along with the other sponsors of the constitutional amendment to prohibit the burning and desecration of the American flag, I am so proud that today we are reintroducing the flag protection amendment. This continues the grassroots effort to once and for all put an end to the disrespect and desecration of the symbol of our country—Old Glory.

With the support of fellow Members of Congress on both sides of the aisle, the dedicated members of the Citizens Flag Alliance—consisting of over 100 veterans and civic organizations, many of whom are represented here today—and 49 State legislatures, we are confident we will finally be able to restore the long overdue protection to Old Glory we see flying above us today.

Ever since that tragic day in 1989 when 5 men in black robes said it was OK to burn and destroy our blessed flag, we have attempted to amend the U.S. Constitution to prohibit such desecration but have fallen short of the necessary two-thirds vote in both the House and Senate. But now we are within reach of that goal, and today marks the beginning of the grassroots push to get at least 290 Representatives and 67 Senators to sponsor our legislation which will guarantee its passage.

There are still those who will maintain that burning the very symbol of our Nation is simply an expression of speech. I for one, as well as all of you, take such an expression much more seriously. Such an act is purely a denunciation of the very spirit, principles, and system of government under which we enjoy our freedoms and opportunities. After all, the flag, being the very symbol of American freedoms and ideals, ought to be protected with the same vigor with which we protect the very freedoms and rights it represents. To that end, burning this blessed symbol is purely a crime against the State.

In our opinion, we ought to view the flag as a national monument and treat it with the same degree of reverence. As we look around ourselves today, we are surrounded by symbols of our freedom and the system of government so many have fought to protect. Standing here we gaze upon the Washington Monument, a beacon honoring the wisdom and dedication of our Founding Fathers. Beyond that lies the Lincoln Memorial and behind me, the U.S. Capitol, recognized throughout the world as the very symbol of democracy. In fact, throughout this city there are countless representations of our culture and ideals. However, no single one embodies America, or what it is to be an American, like this lone glorious symbol. Yet, vandalizing these monuments would be unconscionable and considered a disgraceful crime, as well it should.

Therefore, it is only appropriate our flag receive the same exceptional consideration.

For those who doubt the symbolism of the American flag, we need only look throughout the world, at where it is and where it has been, to understand its significance. Right now, our distinguished flag acts as an ambassador of freedom and opportunity to those who suffer under oppressive regimes such as the ones found in Cuba, North Korea, and the People's Republic of China. For others who have seen their freedom usurped and continue to be threatened by overly ambitious dictators, like the people of Kuwait and Taiwan, the American flag stands as a reminder of a compassionate ally.

Why is Old Glory of such significance to people throughout the world? We need only reflect upon where our flag has been to understand why this symbol is held in such high regard worldwide. For instance, an early version was carried at the Battle of Saratoga in my district, the turning point of the Revolutionary War, and the beginning of our flag's association with the rights of free people over authoritarian regimes.

It was flying over the *U.S.S. Arizona* that infamous day when it was so tragically blown up and destroyed at Pearl Harbor. Later, that same war, it was raised triumphantly over the island of Iwo Jima, a scene which undeniably represents the supremacy of freedom and democracy over oppression and tyranny. Furthermore, it marks the graves of brave soldiers of freedom like those just across the Potomac in Arlington, to the overlooking the beaches of Normandy on the other side of the Atlantic, to those halfway around the world on the Philippine islands. What better reason to protect this symbol of America.

All that is required now, is for each of us to draw upon this patriotic fire and do all we can to effect this demanded change to our Constitution. It is only appropriate that this, our most sacred document, include within its boundaries, a protection of the flag, our most sacred and beloved national symbol.

An active grassroots campaign is already in place under the tireless efforts of the members of the Citizens Flag Alliance. However, we need to get the message to all Americans to contact their Congressman and urge support

of this resolution. Outside the beltway, 49 State legislatures, including my home State of New York, have already passed resolutions urging Congress to pass this constitutional amendment. In the 104th Congress, the House of Representatives overwhelmingly passed a similar amendment by a vote of 312 to 120. That same amendment fell just three votes short of passage in the Senate.

Today, we are introducing an amendment to empower Congress—instead of Congress and the States, as we did in the last Congress—to prohibit the physical desecration of the American flag. This represents an effort to broaden the support for this amendment. It is also entirely appropriate that Congress be the sole legislative body responsible for protecting our national flag.

Addressing the despicable maltreatment of our national symbol is close at hand ladies and gentlemen. All it takes is a little more hard work to get the message to your Congressman and ignite the American spirit lying within all of us.